

Message Text

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42

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 INRE-00

USIE-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-05

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O 091525Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4445

CONFIDENTIAL GENEVA 5342

EO 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE: DECLARATION PRINCIPLES-REFERENCE TO UNITED NATIONS

CHARTER

FOR EUR/RPM

1. WITH BREAKTHROUGH NO PEACEFUL CHANGES OF FRONTIERS FORMULATED IN PRINCIPLES SUBCOMMITTEE, SECOND READING OF PRINCIPLES SHOULD GET UNDERWAY ON JULY 9. ONE OUTSTANDING PROBLEM WHICH MUST BE FACED WILL BE THE SEVERAL REFERENCES TO THE UNITED NATIONS CHARTER. THESE REFERENCES ARE CURRENTLY OUTSTANDING IN SOVERIGN EQUALITY, REFRAINING FROM THE THREAT OR USE OF FORCE, TERRITORIAL INTEGRITY, EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES, AND COOPERATION PRINCIPLES.

2. WE PRESUME THAT WITH QRR DISCLAIMER WE NEED NOT BE CONCERNED ABOUT THE IMPACT OF CHARTER REFERENCES ON QUADRIPARTITE RIGHTS. VARIOUS FORMULATIONS NOW UNDER CONSIDERATION AS CHARTER REFERENCES INCLUDE "IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS CHARTER", "IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS", "IN CONFORMITY WITH THE PURPOSES OF THE UNITED NATIONS", "IN CONFORMITY WITH INTERNATIONAL LAW" OR NO REFERENCES TO THE CHARTER

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OF ANY KIND.

3. DEPARTMENT WILL RECALL THAT PREAMBLE WILL CONTAIN A PARAGRAPH AS FOLLOWS: QUOTE: EXPRESS THEIR COMMON ADHERENCE TO THE PRINCIPLES WHICH ARE SETFORTH BELOW AND ARE IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS, AS WELL AS THEIR COMMON WILL TO ACT, IN THE APPLICATION OF THESE PRINCIPLES, IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS UNQUOTE. FINAL CLAUSES OF DECLARATION WILL ALSO CONTAIN QR TEXT TO THE EFFECT THAT THE PRINCIPLES DECLARATION DOES NOT AFFECT RIGHTS AND OBLIGATIONS, NOR THE CORRESPONDING TREATIES, AGREEMENTS AND ARRANGEMENTS.

4. DELEGATION IS PARTICULARLY CONCERNED THAT CHARTER REFERENCE NOT PREJUDICE THE LEGITIMATE USES OF FORCE OR DISTORT IN ANY WAY THE SOVERIGN EQUALITY PRINCIPLE. REFERENCE TO "THE CHARTER OF THE UNITED NATIONS" WOULD BE MOST DESIRABLE BUT IS CLEARLY UNOBTAINABLE. DELEGATION WOULD APPRECIATE DEPARTMENT'S COMMENTS SOONEST ON WHICH, IF ANY, OF OTHER ALTERNATES DEPARTMENT WOULD PREFER, PARTICULARLY IN NON-USE OF FORCE PRINCIPLE. DALE

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